

NOW COMES the Defendant, Sunrise Lee, through counsel, and hereby submits the additional documentation regarding restitution. As set forth in Lee's Sentencing Memorandum, the State of Illinois filed a lawsuit against Insys Therapeutics regarding Dr. Paul Madison's fraudulent billing regarding the prescribing of Subsys to his patients. (See Exhibit 1, attached hereto). Insys settled these claims for \$4,450,000. (See Exhibit 2, attached hereto).¹

It is respectfully submitted that the allegations in the Second Superseding Indictment regarding Lee and Madison mirror and incorporate the allegations brought by Illinois the Complaint against Insys. As a result, the settlement achieved in the *Illinois v. Insys* case represents the best evidence of the maximum amount of the alleged total harm

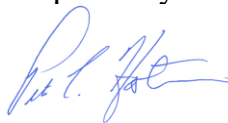
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occasioned by Madison's conduct. Any attribution of a percentage against Lee would have been more than satisfied by the settlement paid by Insys. Lee's conduct was clearly covered by the doctrine of *respondeat superior* during the time she was employed by Insys.

Alternatively, any restitution ordered by the Court against Lee and relating to Madison should be deemed "satisfied" by the Insys settlement with Illinois.

WHEREFORE, the Court is respectfully urged not to order any restitution against Lee.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Peter Charles Horstmann, Esquire hereby certify that a copy of the instant motion was filed through the ECF system and served upon all counsel of record including the United States through its representatives AUSAs Nathaniel Yeager, Fred Wyshak and David Lazarus, 1 Courthouse Way, Boston, MA 02110 on February 2, 2020.



Peter Charles Horstmann, Esq.